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Attorneys for Plaintiffs
Ai Hua Miao and Shenzhen Dazhen Electronics

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AI HUA MIAO, an individual; SHENZHEN DAZHEN ELECTRONICS CO. LTD., a foreign corporation,

Plaintiffs,
v.
CAIE FOODS PARTNERSHIP, LTD, a Nevada limited liability company; CAIE FOODS PRODUCTION, LLC, a Nevada limited liability company, and DOES 1 through 10, Inclusive,

Defendants.

Case No. 3:22-cv-00463-ART-CLB

**ORDER GRANTING
STIPULATION TO EXTEND
DISCOVERY**

[THIRD REQUEST]

Pursuant to Fed. R. Civ. P. 26(f) and Local Rules 26-1, 26-3, and LR IA-6-1, Plaintiffs AI HUA MIAO (“Plaintiff Miao”) and SHENZHEN DAZHEN ELECTRONICS CO. LTD. (Plaintiff Dazhen”) (together, the “Plaintiffs”) and CAIE FOODS PARTNERSHIP, LTD., and CAIE FOODS PRODUCTION, LLC (together the “Defendants”) (collectively the “Parties”), by and through their attorneys, hereby stipulate to extend discovery deadlines and other deadlines in the October 27, 2023 Order Granting Second Amended Stipulation to Extend Discovery (ECF No. 46). This is the third request to continue the below discovery deadlines. The Parties stipulate as follows:

I. Completed Discovery.

The following discovery has been completed:

- The Parties have exchanged initial disclosures and continue to supplement those

1 disclosures as necessary.

- 2 - The Parties have exchanged written discovery as follows:
- 3 o Plaintiffs propounded 14 sets to Defendants.
- 4 ■ Defendants responded to all 14 sets, including supplemental production
- 5 and responses on February 8, 2024.
- 6 o Defendants propounded 16 sets to Plaintiffs.
- 7 ■ Plaintiffs have responded to 11 sets, with 5 sets pending responses (5 sets
- 8 served on January 31, 2024).
- 9 - Third parties responded to the outstanding subpoenas and produced documents /
- 10 provided a privilege log (pursuant to Stipulated Protective Order (ECF No 44)).
- 11 - In September 2023, depositions for Defendants' representatives were taken (Penny
- 12 George and Mark Ma).
- 13 - In January 2024, Plaintiff Miao's and a 30(b)(6) deposition for Plaintiff Dazhen were
- 14 taken, with deponents located in Hong Kong, China.

15 **II. Remaining Discovery**

- 16 - Written discovery responses from Plaintiffs, which are due on March 1, 2024;
- 17 - An additional Plaintiff Dazhen 30(b)(6) deposition;
- 18 - Other unanticipated written discovery depending on the deposition testimony.

19 **III. Good Cause.**

20 Pursuant to LR 26-3, good cause exists to grant this Stipulation. As a threshold, the Parties are

21 requesting extensions to discovery deadlines that have yet to expire as of the filing of this Stipulation.

22 Moreover, the main reason for this Stipulation is that the Parties' counsel are actively meeting

23 and conferring as to an additional Plaintiff Dazhen 30(b)(6) deposition. Plaintiff Miao, who is also

24 the 30(b)(6) witness for Plaintiff Dazhen, was deposed on January 17 and January 18, 2024. Plaintiff

25 was required to travel from mainland China to Hong Kong for these depositions because existing law

26 holds that a deposition in mainland China may be ineffective in U.S. Courts and/or defense counsel

27 may have liability under existing Chinese law if they attempt to depose a witness in mainland China.

28 See, e.g., *Zhizheng Wang v. Hull*, 2020 WL 4734930, (W.D. Wash. June 22, 2020); *King.com Ltd. v.*

1 6 Waves LLC, 2014 WL 1340574, at *6 (N.D. Cal. Mar. 31, 2014).

2 Thus, arrangements for an additional Plaintiff Dazhen 30(b)(6) deposition will also require a
3 witness to relocate from mainland China to Hong Kong along with various other logistical factors
4 (costs, time difference, need for translators, etc). The Parties believe they can reach a resolution to
5 complete any remaining discovery with an additional 60 days and without the need for court
6 intervention.

7 This Stipulation is made in good faith, is not interposed for delay, and is not filed for an
8 improper purpose. There is no trial date set in this matter. Although this is the Parties' third
9 request for an extension, the first request in April 2023, only requested an additional 30-day
10 extension. The first request was made between Plaintiffs' counsel and Defendants' former counsel.
11 The second request, with Defendants' current counsel, sought 120 days and extensive discovery
12 was completed during that time. At the outset of this case the Parties discussed the possibility that
13 Plaintiff Miao and Plaintiff Dazhen's location in China could cause difficulties in setting and taking
14 necessary party depositions. This is now the main reason for this third request for an extension of
15 only 60 days.

16 Therefore, the Parties submit that that this Stipulation is sought ought of necessity to
17 complete discovery. The Parties have further discussed holding a mediation following close of
18 discovery, and thus seek an additional time period between discovery and the dispositive motion
19 cutoff to accommodate a formal settlement proceeding.

20 **IV. Current Discovery Deadlines**

- 21 • Discovery Cutoff: **March 1, 2024**
22 • Dispositive Motion deadline: **April 1, 2024**
23 • Joint Proposed Pretrial Order: **May 3, 2024** (or, if either party has a dispositive motion
24 pending, 30 days after the Court's ruling on the dispositive motion)

25 **V. Proposed Discovery Deadlines**

- 26 • Discovery Cutoff: **May 1, 2024**
27 • Dispositive Motion deadline: **August 1, 2024**

1 • Joint Proposed Pretrial Order: **September 1, 2024** (or, if either party has a dispositive
2 motion pending, 30 days after the Court's ruling on the dispositive motion).

3 No prejudice will occur to this Court or the Parties if granted, further, good cause supports
4 this request to extend discovery.

5 **IT IS SO STIPULATED.**

6

7 DATED February 9, 2024.

8 **ANDREW BAO & ASSOCIATES**

9

10 By:/s/ Andrew Bao _____

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1 **ORDER GRANTING STIPULATION TO EXTEND DISCOVERY**

2 In consideration of the Parties' Stipulation and good cause showing, **IT IS ORDERED**
3 **THAT** the October 27, 2023 Order Granting Second Stipulation to Extend Discovery (ECF No. 46)
4 shall be amended as follows:

- 5 • Discovery Cutoff: **May 1, 2024**
6 • Dispositive Motion deadline: **Augst 1, 2024**
7 • Joint Proposed Pretrial Order: **September 1, 2024** (or, if either party has a dispositive
8 motion pending, 30 days after the Court's ruling on the dispositive motion).

9 **IT IS SO ORDERED.**



10 _____
11 UNITED STATES MAGISTRATE JUDGE
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13 Dated: February 12, 2024.
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